

## CHAPTER 36

### WORKERS' COMPENSATION AND NONOCCUPATIONAL HEALTH COVERAGE

S.F. 296

**AN ACT** relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 85.38, subsection 2, Code 1997, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** If an employer denies liability under this chapter, chapter 85A, or chapter 85B, for payment for any medical services received by an employee with a disability, and the employee is a beneficiary under either an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment for the medical services received on the basis that the employer's liability for the medical services under this chapter, chapter 85A, or chapter 85B is unresolved.

Approved April 18, 1997

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## CHAPTER 37

### SCHOOL-TO-WORK PROGRAMS — WORKERS' COMPENSATION

S.F. 361

**AN ACT** relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 85.20, Code 1997, is amended to read as follows:  
85.20 RIGHTS OF EMPLOYEE EXCLUSIVE.

The rights and remedies provided in this chapter, chapter 85A or chapter 85B for an employee, or a student participating in a school-to-work program as provided in section 85.61, on account of injury, occupational disease or occupational hearing loss for which benefits under this chapter, chapter 85A or chapter 85B are recoverable, shall be the exclusive and only rights and remedies of ~~such~~ the employee or student, the employee's ~~or student's~~ personal or legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury, occupational disease, or occupational hearing loss against any of the following:

1. Against the employee's employer; ~~or,~~
2. Against any other employee of such employer, provided that such injury, occupational disease, or occupational hearing loss arises out of and in the course of such employment and is not caused by the other employee's gross negligence amounting to such lack of care as to amount to wanton neglect for the safety of another.
3. For a student participating in a school-to-work program, against the student's school district of residence, receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, community college, and directors, officers, authorities, and employees of the applicable school corporation.